Other Legal Issues Enabling Learning Objective

Select from a list things you should do in preparation for a Courts Martial or board proceedings

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Documentation

- **Completeness:**
  - **Ensure the DD Form 2624 and Unit Ledger is completely and accurately filled out.**
  - **Ensure that the chain of custody accurately reflects all changes in custody, such as temporary storage.**

Documentation

- Ensure that all deviations from proper procedures in the documentation, collection, handling, or shipment of the specimen are documented either on the Unit Ledger or on an MFR attached to the Unit Ledger.

Being a Witness

- What to expect:
  - Answer questions regarding your interaction with the donor, the specimen and the documentation.
- How to prepare:
  - Have all relevant SOPs available.
  - BE HONEST.

Being a Witness: Collection

- Ensure that during your collection process that you complete the procedure exactly the same way every time on every soldier, regardless of rank.
- When you testify about the collection process on PVT G. I. Joe, you probably won't remember collecting his specimen 6 months ago, but you can say "I always do my collections the same way and this is how I do them:…"

Being a Witness: Preparation

- Ensure that your Class A Uniform is cleaned, pressed, and that your awards and decorations are placed on it correctly.
- Review your SOP, your Unit Ledger, and any MFRs relating to the particular collection.
- Both the prosecution and the defense lawyers will speak with you prior to your testifying, this is normal. Answer honestly and only to the facts as you know them.

Dereliction of Duty

- ALL personnel in the collection process can be held legally accountable for their performance of duty, including:
  - Observers
  - UPL
- Failure of the UPL or Observer to perform their required duties can result in a charge for dereliction of duty.

Possible UCMJ Action For Improperly Conducted Urinalysis

- **DONOR:**
  - **ARTICLE 9: Willfully disobeying a lawful order of his/her superior commander by not providing a urine sample as directed.**
  - **ARTICLE 107: Making a false official statement by signing the Unit Urinalysis Ledger, acknowledging the submission of a sample as only urine.**

Possible UCMJ Action For Improperly Conducted Urinalysis

- **OBSERVER:**
  - **ARTICLE 92: Knowingly failing to obey a lawful general order or regulation by not maintaining direct line of sight of the urine leaving the body and entering the bottle.**
  - **ARTICLE 107: Making a false official statement by signing the Unit Urinalysis Ledger acknowledging the urination process was directly observed and no tampering occurred.**

Possible UCMJ Action For Improperly Conducted Urinalysis

- **UPL:**
  - **ARTICLE 92: Being derelict in the performance of one's duties in allowing a non-urine or adulterated sample to be submitted for testing.**
  - **ARTICLE 134: Wrongful interference with an adverse administrative proceeding.**
- **NOTE: These UCMJ actions are shown here not to try and scare you, but to let you know, that this is serious business and willful dereliction or apathy in the performance of your duties will not be tolerated.**